PTO/S8/22 (12-04)

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)  FY 2005	O3226/049001: P5243		
(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)	30223043		
Application Number 09/716,545-Conf. #7006	Filed November 20, 2000		
For THREAD SWITCH CIRCUIT DESIGN AND SIGNAL ENCODING FOR VERTICAL THREADING			
Art Unit 2154	Examiner L. D. Donaghue		
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.			
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):			
Fee One month (37 CFR 1.17(a)(1)) \$120	Small Entity Fee \$60	\$	
X Two months (37 CFR 1.17(a)(2)) \$450	\$225	\$ 450.00	
Three months (37 CFR 1.17(a)(3)) \$1020	\$510	\$	
Four months (37 CFR 1.17(a)(4)) \$1590	\$795	\$	
Five months (37 CFR 1.17(a)(5)) \$2160	\$1080	\$	
Applicant claims small entity status. See 37 CFR 1.27.			
A check in the amount of the fee is enclosed.			
X   Payment by credit card. Form PTO-2038 is attached.			
The Director has already been authorized to charge fees in this application to a Deposit Account.			
The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to			
Deposit Account Number50-0591 I have enclosed a duplicate copy of this sheet.			
I am the applicant/inventor.			
assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).			
attorney or agent of record. Registration Numbe	•		
		<del></del>	
attorney or agent under 37 CFR 1.34.  Registration number if acting under 37 CFR 1.34			
11/11/11/11/11	August	10. 2005	
Spinature	August 10, 2005 Date		
Wasif H. Qureshi	(713) 2	(713) 228-8600	
Typed or printed name	Telephone Number		
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
Total of 1 forms are submitted.			
Total of forms are submitted.			

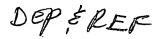
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV710214716US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: August 10, 2005

111715

Refund Ref: 10/07/2005

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Dated: August 10, 2005

Signature (Brenda C. McFadden)

PATENTAL :

Docket No.: 03226/049001; P5243

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Gajendra P. Singh et al.

Conf. No.: 7006

Application No.: 09/716,545

Art Unit: 2154

Filed: November 20, 2000

Examiner: L. D. Donaghue

For: THREAD SWITCH CIRCUIT DESIGN AND

SIGNAL ENCODING FOR VERTICAL

**THREADING** 

## REQUEST FOR REFUND

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## ATTN: REFUND DEPARTMENT

Applicant requests that Deposit Account No. 50-0591 be credited in the amount of \$450.00. This amount pertains to the 2-month extension fee imposed by the USPTO.

In addition to the Response to the Office Action of July 6, 2004, a Petition to Claim Benefit under 35 U.S.C. §120 ("Applicant's first petition") was submitted.

Subsequently, on March 3, 2005, the USPTO dismissed Applicant's first petition as not conforming to the requirements of 37 CFR §1.78(a)(3). A final Office Action was issued on March 11, 2005 in view of the USPTO dismissal of Applicant's first petition. In response, on May 9, 2005, Applicant submitted a Petition under 37 CFR §1.78(a)(3) ("Applicant's second petition") to address the purported deficiencies cited in the USPTO's dismissal of Applicant's first petition. Applicant notes that the USPTO initially recommended that Applicant file the second petition in its dismissal of Applicant's first petition.

Subsequently, on June 2, 2005, the USPTO dismissed Applicant's second petition as being moot. An Advisory Action was issued on June 8, 2005 in view of the USPTO dismissal of

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Applicant's second petition. Specifically, the USPTO stated that because the present application was filed on November 20, 2000, a petition under 37 CFR §1.78(a)(3) is inapplicable as this section only applies to application filed on or after November 29, 2000. Applicant respectfully notes again that the USPTO initially recommended that Applicant file the second petition in its dismissal of Applicant's first petition.

For applications filed before November 29, 2000, all that is required under 37 CFR §1.78 for Applicant to claim benefit of an earlier-filed application is to amend the later-filed application to reference the earlier-filed application. See CFR §1.78(a)(2)(iii). In regard to the present application, which was filed on November 20, 2000, such action was properly taken by Applicant in the Response to the Office Action of July 6, 2004. Thus, prior to any action following the filing of the Response to the Office Actions of July 6, 2004 (e.g., the issued Final Office Action and Advisory Actions), Applicant had properly established August 14, 2000 as the earliest effective filing date of the present invention, rendering the cited prior art as invalid.

In telephone conversations with Applicant, both Examiner Donaghue and Ms. Frances Hicks (USPTO Petitions Branch) agreed with Applicant that the USPTO erred in its handling of Applicant's first petition. These telephone conversations extended past <u>July 11</u>, <u>2005</u>, prompting the need to file the \$450.00 2-month extension fee with the Response to the Advisory Action dated June 8, 2005. Applicant has incurred many unnecessary expenses due to the mishandling of Applicant's first petition. While Applicant has no choice but to absorb these expenses, Applicant hereby requests that a refund in the amount of \$450.00 for the extra time required to correct the USPTO's error be issued.

Dated: August 10, 2005

Respectfully submitted,

Wasif H. Qureshi

Registration No.: 51,048

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